

Notice of Allowability

Application No.

10/620,392

Examiner

Mark A. Deuble

Applicant(s)

HIRAMOTO ET AL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 11-16.
3. ☒ The drawings filed on 16 July 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/971,265.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 7/16/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Mukai et al. shows a rotary type transfer apparatus 1 which could be sued for transferring spout equipped bags that includes a transfer rotor and a driving means that causes second spout holding members to rotate intermittently at a predetermined angle at a time in a predetermined cycle of stopping, acceleration, constant speed, deceleration and stopping so that the speed of the second spout holding members coincide with a speed of first spout holding members during the constant speed rotation as the first and second spout holding members run side by side to transfer the articles and thus Mukai et al shows all the structure required by the present invention. In addition, Japanese document number 11-208884 shows a rotary type transfer apparatus 16 which could be sued for transferring spout equipped bags that includes a transfer rotor and a driving means that causes second spout holding members to rotate so that the speed of the second spout holding members coincide with a speed of first spout holding members as the first and second spout holding members run side by side to transfer the articles to the rotor 16 before the rotor 16 transfers the articles to a rail type conveying apparatus 15 and thus the Japanese document also shows all the structure required by the present invention. However, the present invention is directed to an apparatus and method of operating the apparatus. Therefore, because the apparatus of Mukai et al. does not transfer spout-equipped bags to a rail type conveying apparatus provided on a downstream side at a predetermined stopping position of the second spout holding members, the present invention may be distinguished from Mukai et al. Additionally, because there is no indication that the rotor of the Japanese document is caused to rotate intermittently at a predetermined angle at a time in a predetermined cycle of stopping,

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acceleration, constant speed, deceleration and stopping and because it does transfer the articles to the conveying rail at a stopping position as far as the examiner understands the reference, the present invention may be distinguished from the Japanese document. Furthermore, it would not have been obvious to use the device of Mukai et al. or the Japanese document to transfer spout equipped bags from the second spout holding members to a rail type conveying apparatus provided on a downstream side at a predetermined stopping position because the stopping positions in the apparatus of Mukai et al. are used to treat articles rather than transfer them and because while the holding members are capable of holding spout equipped bags, they are not well suited for use with spout equipped bags and because there are no stopping positions in the apparatus of the Japanese document as far as the examiner understands the reference.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schaumburg et al., Zodrow, and Simonds all show rotary transfer apparatuses which transfer articles to rail type conveying apparatuses in a fashion similar to that of the present invention, however, none of the apparatuses are used to transfer spouts of spout-equipped bags as required by the present invention.

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (703) 305-9734.

The examiner can normally be reached on Monday through Friday except for alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P Ellis can be reached on (703) 308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md


CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY C